

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

Andrew S. Gordon

Criminal No 15-cr-10117-PBS

PRETRIAL ORDER

After a pretrial conference held on 11/20/15, it is hereby ORDERED that:

1. A hearing on motions to dismiss and or severe and any other issue that must be resolved prior to trial will be held To be determined by the court, at .

2. Trial shall commence on February 8, 2016, at 9:00AM.

3. The government shall by 1/18/16,¹ disclose to the defendant:

(a) The exculpatory information identified in Local Rule 116.2 that has not been previously produced; and

(b) A general description (including the approximate date, time, and place) of any crime, wrong, or act the government proposes to offer pursuant to Fed. R. Evid. 404(b).

4. Pursuant to the agreement of the parties, statements (as defined in 18 U.S.C. § 3500(e) and Fed. R. Crim. P. 26.2(f)) of witnesses each party intends to call in its or his case-in-chief shall be produced by 1/18/16.

5. The parties shall by 1/25/16 file proposed voir dire questions, proposed jury instructions, any **Motions in Limine (Note: Motions in Limine and Oppositions must be filed before the Pretrial Conference)** with supporting memoranda, and a trial brief.² Replies to any motion in

¹This date will ordinarily be 21 days before trial unless the declination procedure provided by L.R. 116.6 has been invoked before the Initial Pretrial Conference. See L.R. 117.1(A)(4). The judge who will preside at trial may, however, establish a date different from any date provided by L.R. 117.1 if the judge determines that there are factors in the particular case that make it in the interests of justice to do so. See L.R. 117.1(B).

²The reference to a trial brief should be deleted if it is not appropriate to require that one be filed. See L.R. 117.1(A)(7).

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limine shall be filed by 2/1/16.

6. The government shall by 1/25/16.³

(a) Provide the defendant with the names and addresses of witnesses the government intends to call at trial in its case-in-chief. If the government subsequently forms an intent to call any other witness, the government shall promptly notify the defendant of the name and address of that prospective witness.

(b) Provide the defendant with copies of the exhibits and a premarked list of exhibits the government intends to offer in its case-in-chief. If the government subsequently decides to offer any additional exhibit in its case-in-chief, the government shall promptly provide the defendant with a copy of the exhibit and a supplemental exhibit list.

7. The defendant shall by 1/25/16.⁴

(a) Provide the government with the names and addresses of the witnesses the defendant intends to call in his case-in-chief. If the defendant subsequently forms an intent to call any other witness in his case-in-chief, he shall promptly notify the government of the name and address of that witness.

(b) Provide the government with copies of the exhibits and a premarked list of the exhibits the defendant intends to offer in his case-in-chief. If the defendant subsequently decides to offer any additional exhibits in his case-in-chief, he shall promptly provide the government with a copy of the exhibit and a supplemental exhibit list.

8. The parties shall by 2/1/16, file a written stipulation of any facts that they agree are not in dispute.

³Absent an objection, this date will ordinarily be 7 days before trial. See L.R. 117.1(A)(8). However, if either party objects to the pretrial disclosure of its witnesses, the court will decide whether such disclosure should be ordered. Id.

⁴Absent an objection, this date will ordinarily be 3 days before trial. See L.R. 117.1(A)(9). However, if either party objects to the pretrial disclosure of its witnesses, the court will decide whether such disclosure should be ordered. Id.

9. The Final Pretrial Conference and Hearing on Motions in Limine etc., shall be held on January 28, 2016,⁵ at 2:30pm

10. The following period(s) of time are excluded for Speedy Trial Act purposes, pursuant to 18 U.S.C. § 3161(h), for the reasons stated at the Initial Pretrial Conference _____

11. _____

All Time To Trial

NOTE: IF THE COURT RESCHEDULES THE TRIAL, ALL SUBMISSION DATES IN THIS ORDER REMAIN IN EFFECT UNLESS COUNSEL FILE A MOTION SEEKING LEAVE OF COURT TO MODIFY THEM TO SPECIFICALLY DESIGNATED DATES.

11/20/15
DATE

Pamela S. Sans
UNITED STATES DISTRICT COURT-
Chief

(SARIS PRETRIAL ORDER CRIMINAL - GORDON OCT 2015.wpd - 7/99)

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⁵The Final Pretrial Conference will ordinarily be held not more than 7 days before the trial date. See L.R. 117.1(A)(11).